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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/697,989 | 10/31/2003 | Toshio Tetsuka | SN-US035137 | 8968 |
| 22919 | 7590 | 09/18/2006 | EXAMINER | |
| GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680 | | | WINDLEY III, WILLIAM R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3682 | |

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/697,989 | Applicant(s) TETSUKA, TOSHIO | |
| | Examiner William Windley III | Art Unit 3682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8-8-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the operator actuating member and positioning mechanism must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claim 8 a ratchet element is recited, but ratchet member is mentioned in the specification. In claim 9 winding element is recited, but is not mentioned in the specification. In claim 10 first linkage element and second linkage element are recited, but these terms are not mentioned in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "slightly" in claim 4 is a relative term which renders the claim indefinite. The term "slightly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Does the buffering member extend out of the recess or not.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

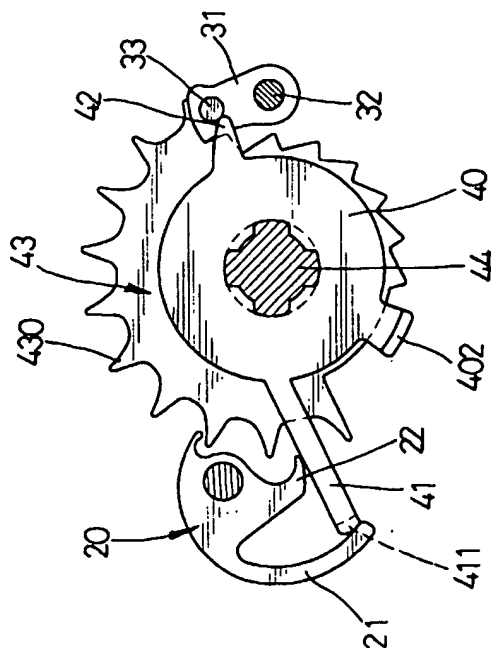
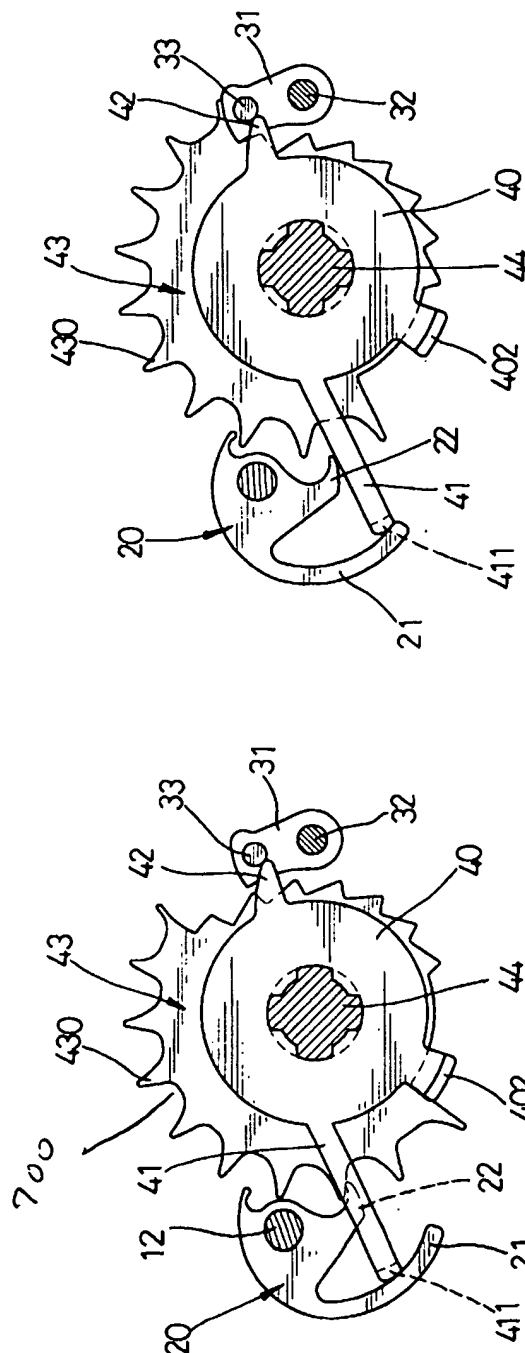
5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueng
USP 5957002 in view of Rivin USP 4184380.

Re claims 1-9 Ueng discloses a(n):

- Operator actuating member (10)
- Positioning mechanism including:
 - First member and second members (43,20)
 - Buffering member [430; tooth 430 buffers the fall and movement of 20
(see Figure 5)]
- Recess (700, See Figure 3, marked by examiner)
- Ratchet element (43)
- Pawl element (20)
- Winding element (52)

But does not disclose a buffering member that is a coating.

Rivin teaches buffering elements (18) that are coatings for the purpose of reducing noise, vibration and wear and reduced sensitivity to distortions in gear alignment (Column 2, lines 35-37).



Art Unit: 3682

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the setup of Ueng and employ a buffering element that is a coating, as taught by Rivin, for the purpose of reducing noise, vibration and wear and reduced sensitivity to distortions in gear alignment (Column 2, lines 35-37).

6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueng USP 5957002 in view of Rivin USP 4184380 in further view of Kobayashi USP 5104358.

Re claim 10 Ueng in view of Rivin meets all of claim limitations, as stated above, but does disclose a first linkage element and a second linkage element.

Kobayashi teaches a first linkage element (3) and second linkage element (4) for the purpose of being pivotally movable laterally (Column 4, lines 10-15) thus providing for improved responsiveness to the manipulation of the shift lever, eliminates the likelihood that the cable will be exposed to the mud splashed about by the wheel, and the cable is given a prolonged life because of diminished fatigue (Column 3, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the setup of Ueng in view Rivin and employ a first linkage element (3) and second linkage element (4), as taught by Kobayashi, for the purpose of being pivotally movable laterally (Column 4, lines 10-15) thus providing for improved responsiveness to the manipulation of the shift lever, eliminates the likelihood that the cable will be exposed to the mud splashed about by the wheel, and the cable is given a prolonged life because of diminished fatigue (Column 3, lines 42-48).

Re claim 11 Kobayashi further teaches a chain guide (11) for the purpose of permitting a chain to pass through (Column 1, lines 60-63) thus keeping the chain properly aligned with the appropriate sprocket when the speed is changed (Column 1, lines 37-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the setup of Ueng in view of Rivin and employ a chain guide (11), as taught by Kobayashi, for the purpose of permitting a chain to pass through (Column 1, lines 60-63) thus keeping the chain properly aligned with the appropriate sprocket when the speed is changed (Column 1, lines 37-41).

Re claim 12 Kobayashi further teaches adjustment screws (18,19) for the purpose of varying the range of pivotal movement of the inner link member (Column 4, lines 44-50) and abutment surfaces (17) for the purpose of restricting the range of pivotal movement of the link member (Column 4, lines 39-41) thus allowing better control and adjustment of the link mechanism and chain guide resulting in quicker shifts between speeds.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the setup of Ueng in view of Rivin and employ adjustment screws (18,19) for the purpose of varying the range of pivotal movement of the inner link member (Column 4, lines 44-50) and abutment surfaces (17) for the purpose of restricting the range of pivotal movement of the link member (Column 4, lines 39-41) thus allowing better control and adjustment of the link mechanism and chain guide resulting in quicker shifts between speeds.

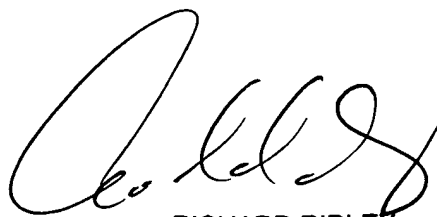
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Windley III whose telephone number is 571-272-6460. The examiner can normally be reached on 8:30 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William Windley III
9/5/2006



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER